

(2) after the State becomes a participating State, the report shall be submitted not later than 31 days after the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report.

(d) EVENTS OCCURRING BEFORE PARTICIPATION.—This section does not require a State to report information about an event that occurs before the 2-year period before the State becomes a participating State.

(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 975; Pub. L. 106-159, title II, §204, Dec. 9, 1999, 113 Stat. 1762.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30304	23:401 (note).	Oct. 25, 1982, Pub. L. 97-364, § 205, 96 Stat. 1742.

In subsection (a), before clause (1), the words “after the date of enactment of this title [Oct. 25, 1982]” are omitted as obsolete.

In subsection (b)(1)(A), the words “(including day, month, and year)” are omitted as surplus.

In subsection (b)(2), the words “A report under subsection (a) of this section” are substituted for “any report concerning an occurrence specified in subsection (a)(1), (2), or (3) of this section” to eliminate unnecessary words.

In subsection (c), before clause (1), the words “required to be transmitted by a chief driver licensing official of a State” are omitted as surplus. In clause (1), the words “specified in subsection (a)(1), (2), or (3) of this section” are omitted as surplus. In clause (2), the words “the motor vehicle department of the State receives any information specified in subsection (b)(1) of this section that is the subject of the report” are substituted for “receipt by a State motor vehicle department of any information specified in subsection (b)(1), (2), or (3) of this section which is the subject of such report” because of the restatement.

AMENDMENTS

1999—Subsec. (e). Pub. L. 106-159 added subsec. (e).

§ 30305. Access to Register information

(a) REFERRALS OF INFORMATION REQUESTS.—(1) To carry out duties related to driver licensing, driver improvement, or transportation safety, the chief driver licensing official of a participating State may request the Secretary of Transportation to refer, electronically or by United States mail, a request for information about the motor vehicle driving record of an individual to the chief driver licensing official of a State of record.

(2) The Secretary of Transportation shall relay, electronically or by United States mail, information received from the chief driver licensing official of a State of record in response to a request under paragraph (1) of this subsection to the chief driver licensing official of the participating State requesting the informa-

tion. However, the Secretary may refuse to relay information to the chief driver licensing official of a participating State that does not comply with section 30304 of this title.

(b) REQUESTS TO OBTAIN INFORMATION.—(1) The Chairman of the National Transportation Safety Board and the Administrator of the Federal Highway Administration may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual who is the subject of an accident investigation conducted by the Board or the Administrator. The Chairman and the Administrator may receive the information.

(2) An individual who is employed, or is seeking employment, as a driver of a motor vehicle may request the chief driver licensing official of the State in which the individual is employed or seeks employment to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer. An employer or prospective employer may receive the information and shall make the information available to the individual. Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(3) An individual who has received, or is applying for, an airman's certificate may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Administrator of the Federal Aviation Administration. The Administrator may receive the information and shall make the information available to the individual for review and written comment. The Administrator may use the information to verify information required to be reported to the Administrator by an airman applying for an airman medical certificate and to evaluate whether the airman meets the minimum standards prescribed by the Administrator to be issued an airman medical certificate. The Administrator may not otherwise divulge or use the information. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(4) An individual who is employed, or is seeking employment, by a rail carrier as an operator of a locomotive may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the individual's employer or prospective employer or to the Secretary of Transportation. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(5) An individual who holds, or is applying for, a license or certificate of registry under section 7101 of title 46, or a merchant mariner's document under section 7302 of title 46, may request the chief driver licensing official of a State to

provide information about the individual under subsection (a) of this section to the Secretary of the department in which the Coast Guard is operating. The Secretary may receive the information and shall make the information available to the individual for review and written comment before denying, suspending, or revoking the license, certificate, or document of the individual based on the information and before using the information in an action taken under chapter 77 of title 46. The Secretary may not otherwise divulge or use the information, except for purposes of section 7101, 7302, or 7703 of title 46. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b).

(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.

(8)(A) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual, the authorized agent of the prospective employer, or the Secretary of Transportation.

(B) An air carrier that is the prospective employer of an individual described in subparagraph (A), or an authorized agent of such an air carrier, may request and receive information about that individual from the National Driver

Register through an organization approved by the Secretary for purposes of requesting, receiving, and transmitting such information directly to the prospective employer of such an individual or the authorized agent of the prospective employer. This paragraph shall be carried out in accordance with paragraphs (2) and (11) of section 44703(h) and the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(C) Information may not be obtained from the National Driver Register under this paragraph if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.

(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.

(10) A request under this subsection shall be made in the form and way the Secretary of Transportation prescribes by regulation.

(11) An individual may request the chief driver licensing official of a State to obtain information about the individual under subsection (a) of this section—

(A) to learn whether information about the individual is being provided;

(B) to verify the accuracy of the information; or

(C) to obtain a certified copy of the information.

(12) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.

(13) The Administrator of the Federal Motor Carrier Safety Administration may request the chief driver licensing official of a State to provide information under subsection (a) of this section about an individual in connection with a safety investigation under the Administrator's jurisdiction.

(c) RELATIONSHIP TO OTHER LAWS.—A request for, or receipt of, information from the Register is subject to sections 552 and 552a of title 5, and other applicable laws of the United States or a State, except that—

(1) the Secretary of Transportation may not relay or otherwise provide information specified in section 30304(b)(1)(A) or (C) of this title to a person not authorized by this section to receive the information;

(2) a request for, or receipt of, information by a chief driver licensing official, or by a person authorized by subsection (b) of this section to request and receive the information, is deemed to be a routine use under section 552a(b) of title 5; and

(3) receipt of information by a person authorized by this section to receive the information is deemed to be a disclosure under section 552a(c) of title 5, except that the Secretary of Transportation is not required to retain the accounting made under section 552a(c)(1) for more than 7 years after the disclosure.

(d) **AVAILABILITY OF INFORMATION PROVIDED UNDER PRIOR LAW.**—Information provided by a State under the Act of July 14, 1960 (Public Law 86–660, 74 Stat. 526), as restated by section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89–563, 80 Stat. 730), and under this chapter, shall be available under this section during the transition from the register maintained under that Act to the Register maintained under this chapter.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 976; Pub. L. 104–264, title V, §502(b), Oct. 9, 1996, 110 Stat. 3262; Pub. L. 104–324, title II, §207(b), Oct. 19, 1996, 110 Stat. 3908; Pub. L. 105–102, §2(18), Nov. 20, 1997, 111 Stat. 2205; Pub. L. 105–178, title II, §2006(b), June 9, 1998, 112 Stat. 335; Pub. L. 108–375, div. A, title X, §1061, Oct. 28, 2004, 118 Stat. 2056; Pub. L. 114–94, div. A, title V, §5512, Dec. 4, 2015, 129 Stat. 1556; Pub. L. 115–254, div. B, title V, §563, Oct. 5, 2018, 132 Stat. 3384.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30305	23:401 (note).	Oct. 25, 1982, Pub. L. 97–364, §206, 96 Stat. 1743; Dec. 30, 1987, Pub. L. 100–223, §305, 101 Stat. 1525; June 22, 1988, Pub. L. 100–342, §4(b), 102 Stat. 626; Aug. 18, 1990, Pub. L. 101–380, §4105(a), 104 Stat. 512.

In subsection (a)(1), the words “on and after the date of enactment of this title [Oct. 25, 1982]” are omitted as obsolete.

In subsection (b)(1), the word “Administrator” is substituted for “Bureau of Motor Carrier Safety” for consistency.

Subsection (d) is substituted for the last 2 sentences (added twice by mistake) in paragraphs (1) and (2) and for the last sentence in paragraphs (3), (4), and (7)(C) of section 206(b) of the National Driver Register Act of 1982 (Public Law 97–364, 96 Stat. 1744) for clarity and to avoid repeating the provision unnecessarily.

PUB. L. 105–102, §2(18)(A)

This amends 49:30305(b)(8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), to correct an erroneous cross-reference.

PUB. L. 105–102, §2(18)(B)

This amends 49:30305(b) to redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9), because section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), redesignated paragraph (7) as paragraph (8) but did not redesignate paragraph (8) as paragraph (9).

REFERENCES IN TEXT

The Fair Credit Reporting Act, referred to in subsec. (b)(8)(B), is title VI of Pub. L. 90–321, as added by Pub. L. 91–508, title VI, §601, Oct. 26, 1970, 84 Stat. 1127, which is classified generally to subchapter III (§1681 et seq.) of chapter 41 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 15 and Tables.

Executive Order No. 12968, referred to in subsec. (b)(9), is set out as a note under section 3161 of Title 50, War and National Defense.

Executive Order No. 10450, referred to in subsec. (b)(9), is set out as a note under section 7311 of Title 5, Government Organization and Employees.

Act of July 14, 1960, referred to in subsec. (d), is set out as a note under section 30302 of this title.

AMENDMENTS

2018—Subsec. (b)(8). Pub. L. 115–254 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.”

2015—Subsec. (b)(13). Pub. L. 114–94 added par. (13).

2004—Subsec. (b)(9) to (12). Pub. L. 108–375 added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively.

1998—Subsec. (b)(2). Pub. L. 105–178, §2006(b)(1)(A), inserted before period at end “, unless the information is about a revocation or suspension still in effect on the date of the request”.

Subsec. (b)(6). Pub. L. 105–178, §2006(b)(2)(B), added par. (6). Former par. (6) redesignated (10).

Subsec. (b)(8). Pub. L. 105–178, §2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105–102, §2(18)(B). See 1997 Amendment note below.

Pub. L. 105–178, §2006(b)(1)(B)(ii), realigned margins.

Pub. L. 105–178, §2006(b)(1)(B)(i), directed amendment identical to that made by Pub. L. 105–102, §2(18)(A). See 1997 Amendment note below.

Subsec. (b)(9). Pub. L. 105–178, §2006(b)(1)(C), directed amendment identical to that made by Pub. L. 105–102, §2(18)(B). See 1997 Amendment note below.

Subsec. (b)(10). Pub. L. 105–178, §2006(b)(2)(A), redesignated par. (6) as (10) and transferred it to appear after par. (9).

Subsec. (b)(11). Pub. L. 105–178, §2006(b)(2)(C), added par. (11).

1997—Subsec. (b)(8). Pub. L. 105–102, §2(18)(B), redesignated par. (8), relating to request, as (9).

Pub. L. 105–102, §2(18)(A), in par. (8), relating to individual seeking employment as pilot, substituted “subsection (a) of this section” for “paragraph (2)”.

Subsec. (b)(9). Pub. L. 105–102, §2(18)(B), redesignated par. (8), relating to request, as (9).

1996—Subsec. (b)(7). Pub. L. 104–324, §207(b), added par. (7). Former par. (7), relating to individual seeking employment as pilot, redesignated (8).

Pub. L. 104–264, §502(b), added par. (7). Former par. (7), relating to request, redesignated (8).

Subsec. (b)(8). Pub. L. 104–324, §207(b), redesignated par. (7), relating to individual seeking employment as pilot, as (8).

Pub. L. 104–264, §502(b), redesignated par. (7), relating to request, as (8).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114–94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1996 AMENDMENT

Except as otherwise specifically provided, amendment by Pub. L. 104-264 applicable only to fiscal years beginning after Sept. 30, 1996, and not to be construed as affecting funds made available for a fiscal year ending before Oct. 1, 1996, see section 3 of Pub. L. 104-264, set out as a note under section 106 of this title.

Pub. L. 104-264, title V, §502(d), Oct. 9, 1996, 110 Stat. 3263, provided that: “The amendments made by this section [amending this section and sections 44936 and 46301 of this title] shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day following the date of the enactment of this Act [Oct. 9, 1996].”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 30306. National Driver Register Advisory Committee

(a) ORGANIZATION.—There is a National Driver Register Advisory Committee.

(b) DUTIES.—The Committee shall advise the Secretary of Transportation on—

- (1) the efficiency of the maintenance and operation of the National Driver Register; and
- (2) the effectiveness of the Register in assisting States in exchanging information about motor vehicle driving records.

(c) COMPOSITION AND APPOINTMENT.—The Committee is composed of 15 members appointed by the Secretary as follows:

- (1) 3 members appointed from among individuals who are specially qualified to serve on the Committee because of their education, training, or experience, and who are not officers or employees of the United States Government or a State.

- (2) 3 members appointed from among groups outside the Government that represent the interests of bus and trucking organizations, enforcement officials, labor, or safety organizations.

- (3) 9 members, geographically representative of the participating States, appointed from among individuals who are chief driver licensing officials of participating States.

(d) TERMS.—(1) Except as provided in paragraph (2) of this subsection, the term of each member is 3 years.

(2) A vacancy on the Committee shall be filled in the same way as an original appointment. A member appointed to fill a vacancy serves for the remainder of the term of that member's predecessor. After a member's term ends, the member may continue to serve until a successor takes office.

(e) PAY AND EXPENSES.—Members of the Committee serve without pay. However, the Secretary may reimburse a member for reasonable travel expenses incurred by the member in attending meetings of the Committee.

(f) MEETINGS, CHAIRMAN, VICE CHAIRMAN, AND QUORUM.—(1) The Committee shall meet at least once a year.

(2) The Committee shall elect a Chairman and a Vice Chairman from among its members.

(3) Eight members are a quorum.

(4) The Committee shall meet at the call of the Chairman or a majority of the members.

(g) PERSONNEL AND SERVICES.—The Secretary may provide the Committee with personnel, penalty mail privileges, and similar services the Secretary considers necessary to assist the Committee in carrying out its duties and powers under this section.

(h) REPORTS.—At least once a year, the Committee shall submit to the Secretary a report on the matters specified in subsection (b) of this section. The report shall include any recommendations of the Committee for changes in the Register.

(i) RELATIONSHIP TO OTHER LAWS.—The Committee is exempt from sections 10(e) and (f) and 14 of the Federal Advisory Committee Act (5 App. U.S.C.).

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 978.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30306	23:401 (note).	Oct. 25, 1982, Pub. L. 97-364, §209, 96 Stat. 1746.

In subsection (a), the word “hereby” is omitted as surplus.

In subsection (c), the text of section 209(c)(2) of the National Driver Register Act of 1982 (Public Law 97-364, 96 Stat. 1746) is omitted as executed.

In subsection (g), the words “The Secretary may provide the Committee” are substituted for “The Advisory Committee may receive from the Secretary” for clarity.

In subsection (h), the cross-reference is used to avoid repeating the same language twice in this section.

REFERENCES IN TEXT

Sections 10 and 14 of the Federal Advisory Committee Act, referred to in subsec. (i), are sections 10 and 14 of Pub. L. 92-463, which are set out in the Appendix to Title 5, Government Organization and Employees.

§ 30307. Criminal penalties

(a) GENERAL PENALTY.—A person (except an individual described in section 30305(b)(6)¹ of this title) shall be fined under title 18, imprisoned for not more than one year, or both, if—

- (1) the person receives under section 30305 of this title information specified in section 30304(b)(1)(A) or (C) of this title;

- (2) disclosure of the information is not authorized by section 30305 of this title; and

- (3) the person willfully discloses the information knowing that disclosure is not authorized.

(b) INFORMATION PENALTY.—A person knowingly and willfully requesting, or under false pretenses obtaining, information specified in section 30304(b)(1)(A) or (C) of this title from a person receiving the information under section 30305 of this title shall be fined under title 18, imprisoned for not more than one year, or both.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 979.)

¹ See References in Text note below.